



Illinois Emergency Management Agency

Pat Quinn, Governor
Joseph Klinger, Interim Director

June 25, 2010

Ms. Vicki Thomas
Executive Director
Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

Re: 32 Ill. Adm. Code 330.40

Dear Ms. Thomas:

This SECOND NOTICE is for the Illinois Emergency Management Agency's Proposed Amendments pertaining to Licensing of Radioactive Material.

In compliance with Section 220.500 of the Operational Rules of the Joint Committee on Administrative Rules, the Illinois Emergency Agency states as follows:

- 1) The name of the agency is the Illinois Emergency Management Agency.
- 2) The title of the Proposed Amendments is Licensing of Radioactive Material, 32 Ill. Adm. Code 330.40.
- 3) The First Notice Period began August 28, 2009, with the publication of Vol. 33, Issue 35 of the Illinois Register, beginning at p. 12061.
- 4) A Notice Correction was published in the *Illinois Register* regarding Item 6 on October 9, 2009. See Attachment A.
- 4) In order to comply with the requirements of Section 100/5-30 of the Administrative Procedure Act and 1 Ill. Adm. Code 220.285, the Agency provided a copy of the proposed amendments to members of the affected community through the Agency's website. In addition, an advanced notice of the proposed rulemaking was provided in the July 2009 regulatory agenda stating that small municipalities may be affected. Notices of public hearings were mailed to all known interested parties using a list provided by the Illinois Environmental Protection Agency of individuals and entities





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including, but not limited to, municipalities who obtained permits from the IEPA to apply wastewater treatment residuals or sewage sludge containing radium to land.

- 5) The specific location of changes in the rule made during the First Notice Period are submitted in the form as required by Section 220.600 of the JCAR rules and are shown in Attachment B of this Second Notice.
- 6) The Agency received notification from the Office of the Secretary of State, Administrative Code Division that they had reviewed the Proposed Amendment and found that it complied with codification requirements. (See Attachment C: Memorandum dated August 20, 2009)
- 7) The Proposed Amendment does not contain incorporations by reference pursuant to Section 100/5-75 of the Illinois Administrative Procedure Act.
- 8) This Amendment does require the use of forms for compliance. See Attachment V.
- 9) The Agency received comments regarding this rulemaking from businesses/municipalities identifying themselves as small businesses/municipalities pursuant to Section 100/5-40(c) of the IAPA. Therefore, a Final Regulatory Flexibility Analysis was prepared. See Attachment D.
- 10) The Joint Committee on Administrative Rules did request the Agency complete a State Mandates Act Questionnaire and it is included as Attachment E.
- 11) An Analysis of the Economic and Budgetary Effects of the Proposed Amendment is enclosed to this Second Notice. See Attachment F.
- 12) The Agency received written comments regarding this rulemaking during the First Notice Period. See Attachments L, M, N, S and T.
- 13) Pursuant to Section 5-40(b) of the Illinois Administrative Procedure Act, 5 ILCS 100, the Agency conducted two public hearings on the proposed rulemaking on September 30, 2009 and April 13, 2010. Copies of the transcripts, responses, and a list of attendees are attached as Attachments H-K and O-R.





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- 14) Joint Committee questions may be directed to Louise Michels, Staff Attorney at 217-785-9876 or Traci Burton, Paralegal Assistant at 785-9860, telefax number 524-3698.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen Cunningham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Maureen Cunningham
Chief Legal Counsel

Enclosures

